

**DECLARATION AND POWER OF ATTORNEY**

Atty. Ref. 0275Y-000625

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe that I am the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Method and Apparatus for Fastening Steel Framing with Nails**

the specification of which (check one)

- ☐ is attached hereto.  
or  
☒ was filed on June 21, 2002 as Application Serial No. or PCT  
International Application No. 10/176,998 and was amended on  
\_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>


## DECLARATION AND POWER OF ATTORNEY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### POWER OF ATTORNEY

I hereby appoint Harold Weinstein, Reg. No. 20613; Edward D. Murphy, Reg. No. 20625; John D. Del Ponti, Reg. No. 24258; Charles E. Yocum, Reg. No. 30121; Bruce S. Shapiro, Reg. No. 33120; Adan Ayala, Reg. No. 38373; Michael P. Leary, Reg. No. 41144, Ajay K. Gambhir, Reg. No. 44115, and Richard J. Veltman, Ref. No. 36957 of The Black & Decker Corporation, 701 East Joppa Road, Towson, Maryland 21286, telephone (410) 716-3900; and Christopher M. Brock, Reg. No. 27,313, Timothy D. MacIntyre, Reg. No. 42,824, and each principal, attorney of counsel, associate, and employee of Harness, Dickey & Pierce, P.L.C., who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572 (  ), Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

**Full name of sole or first inventor:** Michael L. O'Banion

Inventor's signature: Michael L. O'Banion

Date: 3 Sept 2002

Residence: 1230 Canon Way, Westminster 21157

Citizenship: USA.

Mailing Address: same as above.

**Full name of second joint inventor, if any:** Daniel Puzio

Inventor's signature: Daniel Puzio

Date: 5 Sept 2002

Residence: 2713 Bauernwood Avenue, Baltimore, MD 21234

Citizenship: USA.

Mailing Address: same as above.

## DECLARATION AND POWER OF ATTORNEY

Full name of third joint inventor, if any: Robert A. Berry

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 17010 Hardy Road, Mt. Airy, MD 21771

Citizenship: USA

Mailing Address: same as above.

Full name of fourth joint inventor, if any: Alfred H. Judge

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 3679 Tower Road, Prescott Valley, AZ 86314

Citizenship: USA

Mailing Address: same as above.

Full name of fifth joint inventor, if any: Robert G. Moores, Jr.

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 1920 Knox Avenue, Reisterstown, MD 21136

Citizenship: USA

Mailing Address: same as above.

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**Full name of sole or first inventor:** Michael L. O'Banion

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 1230 Canon Way, Westminster 21157

Citizenship: USA.

Mailing Address: same as above.

**Full name of second joint inventor, if any:** Daniel Puzio

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 2713 Bauernwood Avenue, Baltimore, MD 21234

Citizenship: USA.

Mailing Address: same as above.

## DECLARATION AND POWER OF ATTORNEY

Full name of third joint inventor, if any: Robert A. Berry

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 17010 Hardy Road, Mt. Airy, MD 21771

Citizenship: USA

Mailing Address: same as above.

Full name of fourth joint inventor, if any: Alfred H. Judge

Inventor's signature: Alfred H. Judge

Date: 9/9/02

Residence: ~~3679 Tower Road, Prescott Valley, AZ 86314~~  
6500 W. Rambling Rd, Prescott, AZ 86305

Citizenship: USA

Mailing Address: same as above.

Full name of fifth joint inventor, if any: Robert G. Moores, Jr.

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: 1920 Knox Avenue, Reisterstown, MD 21136

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Mailing Address: same as above.

TW 2868

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Date: \_\_\_\_\_

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Citizenship: USA

Mailing Address: same as above.

Full name of fifth joint inventor, if any: Robert G. Moores, Jr.

Inventor's signature: Robert G. Moores Jr.

Date: 8/30/02

Residence: 1920 Knox Avenue, Reisterstown, MD 21136

Citizenship: USA

Mailing Address: same as above.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.:

Filing Date:

Applicant: Michael L. O'Banion et al.

Group Art Unit:

Examiner:

Title: METHOD AND APPARATUS FOR FASTENING STEEL  
FRAMING WITH NAILS

Attorney Docket: 0275Y-000625/COC

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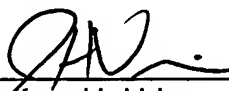
Director of The United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REFERENCE TO RECORDED ASSIGNMENT  
OF ORIGINAL APPLICATION**

This application is a continuation application of U.S. Application No. 10/176,998. A prior assignment of the original application is recorded in the U.S. Patent and Trademark Office at Reel 013344, Frame 0944 and a copy of the assignment is provided herewith. This assignment recorded against the original application gives the assignee rights to the subject matter common to both applications.

Respectfully submitted,

Dated: February 17, 2004

By:   
Jeffrey H. Urian  
Reg. No. 46,232

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

02754-000625

COPY

JANUARY 10, 2003

HARNESS, DICKEY & PIERCE, P.L.C.  
CHRISTOPHER M. BROCK  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

PTAS

Commissioner for Trademarks  
Arlington, VA 22202-3513  
[www.uspto.gov](http://www.uspto.gov)



\*102241487A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/30/2002

REEL/FRAME: 013344/0944  
NUMBER OF PAGES: 10

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

O'BANION, MICHAEL L.

DOC DATE: 08/30/2002

ASSIGNOR:

PUZIO, DANIEL

DOC DATE: 09/03/2002

ASSIGNOR:

BERRY, ROBERT A.

DOC DATE: 09/04/2002

ASSIGNOR:

JUDGE, ALFRED H.

DOC DATE: 09/05/2002

ASSIGNOR:

MOORES, JR., ROBERT G.

DOC DATE: 09/09/2002

ASSIGNEE:

BLACK & DECKER INC.  
DRUMMOND PLAZA OFFICE PARK  
1423 KIRKWOOD HIGHWAY  
NEWARK, DELAWARE 19711

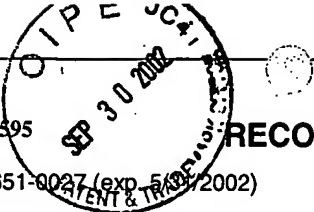
013344/0944 PAGE 2

SERIAL NUMBER: 10176998  
PATENT NUMBER:

FILING DATE: 06/21/2002  
ISSUE DATE:

DOROTHY BASMA, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Form PTO-1595  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)



10-04-2002



Docket No. 0275Y-000625

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents

102241487

1 original document or copy thereof.

1. Name of conveying party(ies):

Michael L. O'Banion Robert G. Moores, Jr.  
Daniel Puzio  
Robert A. Berry  
Alfred H. Judge

9.30.02

Additional name of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: Black & Decker Inc.

Internal Address:

Street Address: Drummond Plaza Office Park

1423 Kirkwood Highway

City: Newark State: DE Zip: 19711

Additional Name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date(s): 08/30/02; 09/03/02; 09/04/02; 09/05/02  
09/09/02

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

10/176,998

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Christopher M. Brock

Internal Address: Harness, Dickey & Pierce, P.L.C.

Street Address: P.O. Box 828

City: Bloomfield Hills State: MI Zip: 48303

6. Total number of applications and/or patents involved: 1

7. Total fee (37 CFR 3.41) . . . . . \$ 40

- ☐ Enclosed  
☒ Authorized to be charged to deposit account: 02-2548

8. The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayments to Deposit Account No. 02-2548. A duplicate copy of this sheet is enclosed.

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Timothy D. MacIntyre

Name of Person Signing

Signature

September 25, 2002

Date

Total number of pages including cover sheet, attachments, and documents: 10

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments

Washington, D.C. 20231

10/03/2002 L MUELLER 00000181 022548 40.00 CH 01 FC-581

**ASSIGNMENT**

For valuable consideration, the receipt of which is hereby acknowledged by me/us, the undersigned, hereinafter referred to collectively as Assignor, does hereby sell and assign to BLACK & DECKER INC., a corporation organized and existing under the laws of the State of Delaware, U.S.A., having its principal place of business at Drummond Plaza Office Park, 1423 Kirkwood Highway, Newark, Delaware 19711, U.S.A., its successors, assigns, nominees, or other legal representatives, the entire right, title, and interest in and to the IMPROVEMENTS IN:

**Method and Apparatus for Fastening Steel Framing with Nails**

invented by me and the United States Patent application Serial No. 10/176,998, filed June 21, 2002 therefor, executed concurrently herewith, and all original and reissued patents granted therefor, and all divisions and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and the right to apply for and obtain patents, Utility Model Registrations, and Inventor's Certificates in countries foreign to the United States, and in and to any Letters Patent, Utility Model Registration, or Inventor's Certificate which may be granted thereon in such foreign countries, including all priority rights under the International Convention associated therewith for each country of the Union, and authorize and request the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue the said Letters Patent, Utility Model Registration, or Inventor's Certificate to the said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives, as assignee of the entire interest, and covenant that I have full right to convey the entire interest herein assigned and that I have not executed and will not execute any agreement in conflict herewith, and agree that I will communicate to said Corporation, its successors, assigns, nominees, or other legal representatives, all facts known to me respecting said invention, whenever requested, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and do all lawful acts requisite for the application for such divisional, continuing, or reissue applications, or the procuring thereof, and that if and when said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives desire to file a disclaimer relating thereto, I/we will, upon request, sign all lawful papers requisite for the filing of such disclaimer, and I/we further covenant and agree that I/we will, at any time upon request, do everything legally possible to aid said Corporation, its successors, assigns, nominees, or other legal representatives, either in its or their own name, to apply for, obtain, and enforce patent, Utility Model, and/or Inventor's Certificate protection for said improvements in all countries, all without further consideration but at the expense of said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives.

Michael L. O'Banion Date: 3 Sept 2002

Michael L. O'Banion

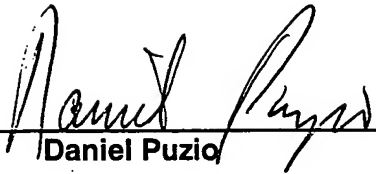
**WITNESSES:**

[Signature]

X 3 SEPT 2002

Date: [Signature]

Date: SEPT. 3, 2002

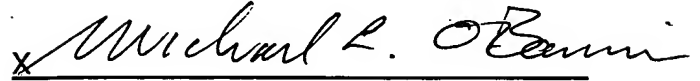
  
Daniel Puzio

Date: 9/5/02

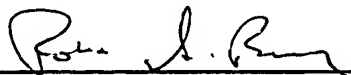
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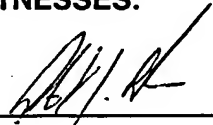
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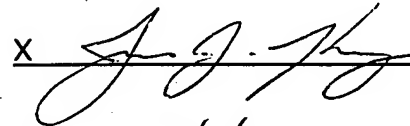
  
Robert A. Berry

Date: 9/4/02

**WITNESSES:**

X 

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X 

Date: 9/4/02

Alfred H. Judge

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

Date: \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_



Robert G. Moores, Jr.

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

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\_\_\_\_\_  
Michael L. O'Banion

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Daniel Puzio

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Robert A. Berry

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*Alfred H. Judge*  
\_\_\_\_\_  
Alfred H. Judge

Date: 9/9/02

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Robert G. Moores, Jr.

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ASSIGNMENT**

For valuable consideration, the receipt of which is hereby acknowledged by me/us, the undersigned, hereinafter referred to collectively as Assignor, does hereby sell and assign to BLACK & DECKER INC., a corporation organized and existing under the laws of the State of Delaware, U.S.A., having its principal place of business at Drummond Plaza Office Park, 1423 Kirkwood Highway, Newark, Delaware 19711, U.S.A., its successors, assigns, nominees, or other legal representatives, the entire right, title, and interest in and to the IMPROVEMENTS IN:

**Method and Apparatus for Fastening Steel Framing with Nails**

invented by me and the United States Patent application Serial No. 10/176,998, filed June 21, 2002 therefor, executed concurrently herewith, and all original and reissued patents granted therefor, and all divisions and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and the right to apply for and obtain patents, Utility Model Registrations, and Inventor's Certificates in countries foreign to the United States, and in and to any Letters Patent, Utility Model Registration, or Inventor's Certificate which may be granted thereon in such foreign countries, including all priority rights under the International Convention associated therewith for each country of the Union, and authorize and request the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue the said Letters Patent, Utility Model Registration, or Inventor's Certificate to the said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives, as assignee of the entire interest, and covenant that I have full right to convey the entire interest herein assigned and that I have not executed and will not execute any agreement in conflict herewith, and agree that I will communicate to said Corporation, its successors, assigns, nominees, or other legal representatives, all facts known to me respecting said invention, whenever requested, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and do all lawful acts requisite for the application for such divisional, continuing, or reissue applications, or the procuring thereof, and that if and when said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives desire to file a disclaimer relating thereto, I/we will, upon request, sign all lawful papers requisite for the filing of such disclaimer, and I/we further covenant and agree that I/we will, at any time upon request, do everything legally possible to aid said Corporation, its successors, assigns, nominees, or other legal representatives, either in its or their own name, to apply for, obtain, and enforce patent, Utility Model, and/or Inventor's Certificate protection for said improvements in all countries, all without further consideration but at the expense of said BLACK & DECKER INC., its successors, assigns, nominees, or other legal representatives.

\_\_\_\_\_  
**Michael L. O'Banion**

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
**Daniel Puzio**

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
**Robert A. Berry**

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
**Alfred H. Judge**

Date: \_\_\_\_\_

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Robert G. Moores, Jr.  
Robert G. Moores, Jr.

Date: 8/30/02

**WITNESSES:**

X \_\_\_\_\_

X \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_